



IPW

March 22, 2006

TO: Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Art Unit 2818 - Examiner Dang, Phuc T

FROM: George O. Saile, Reg. No. 19,572  
28 Davis Avenue  
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/782,358  
File Date: 02/19/2004  
Inventor: Tomoko Ogura  
Examiner: Dang, Phuc T  
Art Unit: 2818  
Title: Stitch and Select Implementation in Twin MONOS Array

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Election of Species Requirement in the Office Action dated Feb. 22, 2006. In that office action, applicant was required under 35 U.S.C. 121

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Mar. 22, 2006.

Signature   
Stephen B. Ackerman, Reg. No. 37,761

Date: Mar. 22, 2006

35 U.S.C. 121:

The inventions stated are:

I - Claims 41-54, drawn to a stitched MONOS memory array, classified in class 365, subclass 185.18, and

II - Claims 55-72, drawn to a plurality of memory cells in a MONOS memory array, classified in class 257, subclass 324.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group Species I - Claims 41-54 drawn to a memory array classified in Class 365, subclass 185.18. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner states that Inventions I and II are related as combination and subcombination, and gives as the reasons for distinctness that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. <sup>1</sup> 806.05(c)). However, upon reading the Invention II Claims against the Claims of Invention

I, it can be seen that Invention II is drawn to a stitched MONOS memory array, while Invention I is drawn to a stitched MONOS memory array. As such, the field of search must necessarily cover both the Group I class/subclass 365/185.18 and the Group II class/subclass 257/324, in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "subcombination has separate utility such that a stitched MONOS memory array in group I can be used in group II and does not require all of limitations as in group II" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of additional Patent Applications upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



Stephen B. Ackerman, Reg. No, 37,761